

ESTTA Tracking number: **ESTTA180022**

Filing date: **12/11/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	AirTran Holdings, Inc.
Granted to Date of previous extension	12/12/2007
Address	9955 Airtran Boulevard Orlando, FL 32827 UNITED STATES

Attorney information	Todd D. Williams Smith, Gambrell & Russell, LLP 1230 Peachtree street, N.E. Suite 3100, Promenade II Atlanta, GA 30309 UNITED STATES mbedsole@sgrlaw.com, twilliams@sgrlaw.com, rlunsford@sgrlaw.com Phone:404-815-3713
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Applicant Information

Application No	77107655	Publication date	08/14/2007
Opposition Filing Date	12/11/2007	Opposition Period Ends	12/12/2007
Applicant	Seiko Epson Kabushiki Kaisha (also trading as Seiko Epson Corporation) 4-1 Nishishinjuku, 2-chome, Shinjuku-ku Tokyo, JAPAN		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Battery chargers; noncontact all purpose portable battery chargers; battery chargers for cellular phones; battery chargers for telephones; battery chargers for music players including those for headphones; battery chargers for digital cameras; battery chargers for personal digital assistants (PDA); battery chargers for electronic dictionaries; battery chargers for television sets including those for remote controls and other accessories for television sets; battery chargers for personal computers including those for computer mouse and other accessories for computers; battery chargers for printers; battery chargers for integrated circuit cards

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2362176	Application Date	08/10/1999
Registration Date	06/27/2000	Foreign Priority Date	NONE
Word Mark	AIRTRAN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 1988/08/01 First Use In Commerce: 1988/08/01 AIR TRANSPORTATION SERVICES		

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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Todd D. Williams/
Name	Todd D. Williams
Date	12/11/2007

The grounds for opposition are as follows:

1. Opposer is the owner of the mark AIRTRAN (the “AirTran Mark”) and owns Registration No. 2362176 therefor on the Principal Register maintained by the United States Patent & Trademark Office.

2. Opposer, through its subsidiary AirTran Airways, Inc., has continuously and exclusively used the AirTran Mark to identify its air transportation services since at least as early as August 1, 1988. Such use is depicted on Opposer’s airtran.com website. The use of the AirTran Mark by AirTran Airways, Inc. – and the goodwill associated with such use – inures to the benefit of Opposer.

3. Opposer’s AirTran Mark is symbolic of extensive goodwill and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising and promotion.

4. The AirTrans. mark which Applicant seeks to register is confusingly similar to Opposer’s AirTran Mark.

5. The goods for which Applicant seeks to register the AirTrans. mark – specifically, portable battery chargers – are related to the services identified by and advertised and promoted under Opposer’s AirTran Mark.

6. Applicant’s AirTrans. mark so resembles Opposer’s AirTran Mark as to be likely to cause confusion, mistake, and deception as to the source and origin of Applicant’s goods identified by the AirTrans. mark.

7. Opposer’s AirTran Mark is famous within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

8. Applicant's use of the AirTrans. mark will likely cause dilution of the distinctive quality of the AirTran Mark and violates Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

9. Opposer will be damaged by Applicant's registration of the AirTrans. mark.

WHEREFORE, Opposer AirTran Holdings, Inc. respectfully prays that this opposition be sustained and that Application Serial No. 77/107,655 be refused registration.

This 11th day of December, 2007.

Respectfully submitted,



Todd D. Williams, Esq.

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